

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
v.
LESHAWN LAWSON,
Defendant.

Case No. 15-cr-00119-PJH-1

**ORDER DISMISSING MOTION FOR
RETURN OF PROPERTY**

Re: Doc. No. 147

Before the court is the motion of defendant Leshawn Lawson, appearing pro se, for return of property seized by the DEA on December 3, 2014 (Asset ID #15-DEA-606881). Doc. no. 147. Federal Rule of Criminal Procedure 41(g) provides a mechanism by which a person may seek to recover property seized by federal agents. *Ordonez v. U.S.*, 680 F.3d 1135, 1137 (9th Cir. 2012). "A person aggrieved by an unlawful search and seizure of property or by the deprivation of property may move for the property's return. The motion must be filed in the district where the property is seized." Fed. R. Crim. P. 41(g).

Lawson moves for the return of \$337,040 in currency. In its response to the motion for return of property, the government represents that the amount of \$337,040 in cash was seized in Cincinnati, Ohio, pursuant to a search warrant issued by the Hamilton County Municipal Court on December 3, 2014, and that the money was forfeited by the Drug Enforcement Administration under 21 U.S.C. § 881. Doc. no. 152 (citing *United States v. Approx. \$501,276*, No. 16-cv-1341-PJH, doc. no. 1 (Complaint for Civil Forfeiture) ¶ 21). As the government points out, the property at issue was seized in Cincinnati, Ohio, and was not subject to either criminal or civil forfeiture ordered by this


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Court. See doc. no. 122 (Final Order of Forfeiture); *Approx. \$501,276*, No. 16-cv-1341 PJH, doc. no. 37 (Settlement Agreement and Civil Judgment of Forfeiture).

Because the \$337,040 in currency was seized in Cincinnati, Ohio, any motion for return of that property “must be filed” in the Southern District of Ohio pursuant to Rule 41(g). The motion for return of property is therefore DISMISSED for improper venue without prejudice to filing the motion in the proper judicial district.

IT IS SO ORDERED.

Dated: August 2, 2018



PHYLLIS J. HAMILTON
United States District Judge